

April 24, 2006

Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

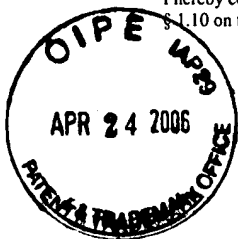
By:

Sarah M. Barnett

## PATENT

Customer No. 22,852

Attorney Docket No. 07579-0001-000000



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Reissue Application of:**

Graham Edmund KELLY

Reissue Application No.: 09/602,191

U.S. Patent No. 5,830,887

Filed: June 22, 2000

For: HEALTH SUPPLEMENTS  
CONTAINING PHYTO-  
OESTROGENS, ANALOGUES OR  
METABOLITES THEREOF

Group Art Unit: 1623

Examiner: Patrick T. Lewis

Confirmation No. 8264

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the enclosed IDS Form PTO/SB/08. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), please charge the fee of \$180.00 as specified by Section 1.17(p) to our Deposit Account No. 06-0916.

09602191 916090 12100000 1335 8002/2005 5551 FVF1 00000121 060916

180.00 DA	180.00 DA
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Copies of the listed foreign and non-patent literature documents are enclosed. Copies of the U.S. patents and patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the enclosed form.

This submission does not represent that a search has been made or that better art exists. It does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the claimed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 24, 2006

By: Elisabeth Barek  
Elisabeth Jaffe Barek  
Reg. No. 46,797  
Customer No. 22,852

**CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"**

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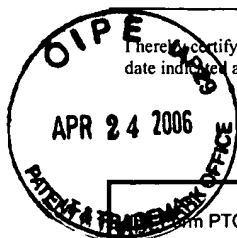
April 24, 2006

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By: Sarah M. Barnett  
Sarah M. Barnett



PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>	
Application Number		09/546,565	
Filing Date		April 11, 2000	
First Named Inventor		KELLY et al.	
Art Unit		1651	
Examiner Name		Deborah K. WARE	
Attorney Docket Number		07579-0003-01000	
Sheet	1	of	2

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials*	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		US-4,232,122	11-04-1980	Zilliken	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		EP 0 412 211 A1	02-13-1991	Therapeutical Sys. Corp.		
		EP 0 682 887 B1	11-22-1995	Nichimo Co. Ltd.		
		GB 1 322 844	10-03-1973	Keimdiat GmbH		
		GB 1 482 238	08-10-1977	Chinoin Gyogyszer Es Vegyeszeti Termekek Gyara RT		
		JP 62-106016	05-16-1987	Yamanouchi Pharm. Co. Ltd.		Abstract
		JP 02-067218	03-07-1990	Nagakura Seiyaku KK		Abstract
		JP 02-160722	06-20-1990	Nippon Oil & Fats Co. Ltd.		Abstract
		JP 04-283518	10-08-1992	Kikkoman Corp.		Abstract
		JP 05-170756	07-09-1993	Kikkoman Corp.		Abstract
		WO 96/10341	04-11-1996	Van Haaster		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		CONSTANTINO, A. et al., "Induction of Differentiation and DNA Strand Breakage in Human HL-60 and K-562 Leukemia Cells by Genistein," <i>Cancer Res.</i> 50:2618-2624 (1990).	
		KIGUCHI, K. et al., "Genistein-Induced Cell Differentiation and Protein-Linked DNA Strand Breakage in Human Melanoma Cells," <i>Cancer Comm.</i> 2(8):271-278 (1990).	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Complete if Known****INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

2

of

2

Application Number

09/602,191

Filing Date

June 22, 2000

First Named Inventor

Graham Edmund KELLY

Art Unit

1623

Examiner Name

Patrick T. LEWIS

Attorney Docket Number

07579-0001-00000

APR 24 2006

**NON PATENT LITERATURE DOCUMENTS**

	LIU, Y. et al., "Effects of solid dispersion of daidzein on the blood pressure of spontaneously hypertensive rates," <i>Chemical Abstracts</i> , 115(8):406, Abstract No. 78763p (1991).	
	NAIM, M. et al., "Antioxidative and Antihemolytic Activities of Soybean Isoflavones," <i>J. Agric. Food Chem.</i> 24(6):1174-1177 (1976).	
	Oenobiol Feminite Dietary Supplement, <i>International Product Alert</i> 16(12) (1999), and Oenobiol Product Insert (3 pages).	Abstract
	OKURA, A. et al., "Effect of Genistein on Topoisomerase Activity and on the Growth of [Val 12]Ha-ras-transformed NIH 3T3 Cells," <i>Biochem. Biophys. Res. Comm.</i> 157(1):183-189 (1988).	
	TAMURA, S. et al., "Chemical Studies on 'Clover Sickness.' Part I. Isolation and Structural Elucidation of Two New Isoflavonoids in Red Clover," <i>Agr. Biol. Chem.</i> 33(3):391-397 (1969).	
	VAN DE WEIJER, P. et al., "Isoflavones from red clover (Promensil®) significantly reduce menopausal hot flush symptoms compared with placebo," <i>Maturitas</i> 42:187-193 (2002).	
	YAMASHITA, Y. et al., "Induction of mammalian topoisomerase II dependent DNA cleavage by nonintercalative flavonoids, Genistein and Orobol," <i>Biochem. Pharmacol.</i> 39(4):737-744 (1990).	
	Statutory Declaration of Graham Edmund Kelly with two Exhibits (GK1 and GK2), dated October 22, 2003.	
	Supplementary European Search Report for EP 93 90 9679, dated April 25, 1997, 3 pages.	

Examiner  
SignatureDate  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.